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EXPRESS MAIL NO.: EL 500 575 459 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Chen et al.

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Application No.: 09/735,296

Group Art Unit: 1642

TECH CENTER 1600/2900

Filed: January 14, 2000

Examiner: Davis, M.

For: COMBINATION THERAPY OF CANCER BY ACTIVATION OF CO-STIMULATORY MOLECULES EXPRESSED BY IMMUNE CELLS AND CYTOKINES Attorney Docket No.: 6923-084

RESPONSE TO ELECTION OF SPECIES UNDER 37 C.F.R. § 1.146

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Election of Species, mailed July 3, 2002 and in accordance with Rule 146 of the Rules of Practice, please enter the following and consider the remarks below.

REMARKS

Claims 26-37 were pending in this application. The Examiner has required a restriction to one of the following species under 35 U.S.C. §121 for prosecution on the merits:

- (1) An adenovirus vector; an adeno-associated vector; or a retroviral vector.
- (2) Pancreatic cancer; breast cancer; ovarian cancer; prostate cancer; lung cancer; or hepatic cancer.

The Examiner contends that the species directed at vectors are distinct since they are structurally distinct. The Examiner further asserts that the species directed at cancers are distinct because they are different diseases with different etiology.